



## REPORT TO THE HISTORIC PRESERVATION COMMISSION

AGENDA ITEM NO. VB  
HPC MEETING: 01/09/2012

January 9, 2012

FROM: CRAIG SCHARTON, Assistant Director  
Development and Resource Management Department

APPROVED BY

DEPARTMENT DIRECTOR

BY: KARANA HATTERSLEY-DRAYTON  
Historic Preservation Project Manager  
Secretary, Historic Preservation Commission

SUBJECT: CONSIDER RECOMMENDATION TO THE CITY COUNCIL APPROVAL OF A REQUEST BY THE OWNER OF THE 4.41 ACRE PARCEL LOCATED WITHIN THE BOUNDARY OF THE PROPERTY PREVIOUSLY DESIGNATED AS HP#177, TO AMEND THE LOCAL REGISTER NOMINATION TO REMOVE HIS PARCEL FROM THE AREA DESIGNATED AS A HISTORIC RESOURCE PURSUANT TO FMC 12-1614 AND 12-1609.

### RECOMMENDATION

Staff recommends that the Historic Preservation Commission review and consider documentary information submitted during and since the Commission meeting of December 12, 2010 as well as any observations from the site visit on January 7, 2012. Staff further recommends that the Commission continue this item to the January 23<sup>rd</sup>, 2012 meeting in order to properly evaluate the applicant's request pursuant to the requirements under FMC 12-1614.

### EXECUTIVE SUMMARY

The Forestiere Underground Gardens is a designated historic property on the City's Local Register of Historic Resources (HP# 177) (Appendix B). It is also a registered California Historical Landmark (No. 916) and is listed as well on the National Register of Historic Places. When designated, the site was a ten acre parcel "less streets and roads" (NR nomination 28 March 1977). In 1991 the parcel was divided between two branches of the Forestiere family, with the western 4.29 acres containing "all of the underground rooms, passages and courtyards commonly known as the 'Forestiere Underground Gardens'" partitioned from the "real property east of the interior fence line which does not contain the 'Forestiere Underground Gardens'" (25 April 1991 Appendix C). Based on this 1991 court judgment, and the desire to sell and/or develop the eastern 4.41 acre parcel, the property owner, Mary Forestiere, is requesting that the Commission recommend to the City Council that her property be removed from the Local Register of Historic Resources. Pursuant to FMC 12-1609(b)(2), a public notice regarding this agenda item was published in the Fresno Bee on December 3, 2011 and the item was considered at some length at the Historic Preservation Commission meeting on December 12, 2010.

To amend the designation of a property listed on the Local Register of Historic Resources the action "shall result from new information, the discovery of earlier misinformation or change of original circumstances, conditions or factors which justified the designation of the Resource or District" (FMC 12-1614). To date, the City has insufficient evidence to indicate that the resources on the eastern portion have lost integrity or are non-existent. (Information submitted to the City since the meeting of December 12, 2010 is currently being evaluated). In addition, the Gardens are called out as an invaluable asset with numerous policies and implementation actions adopted through the Highway City Neighborhood Specific Plan (January 6, 1998, Appendix D). These policies were intended not only to promote the Gardens for commercial and recreational purposes but also to protect the site from uses on adjacent or adjoining properties "that adversely affect or impact the aesthetic, structural integrity or public enjoyment of the Forestiere Underground Gardens."

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### BACKGROUND

From 1906 to 1946 Sicilian immigrant Baldassarre Forestiere created an underground complex of 65 caverns, grottos, patios, and garden courts that encircled his subterranean home, north of the city of Fresno. The sections were inter-connected with underground passageways and promenades; later he added an 800-foot-long auto tunnel. To support the great mass of earth and to give permanence to his earthen sculptings, Forestiere used Roman arches, columns, and domes, hardly the work of an amateur builder. As architect Malcolm Wells has noted: "Thirteen years of training and the best we [architects] can produce are metal and glass boxes standing in parking lots! Forestiere demolishes us with a wheelbarrow and a dream." Hardpan, mortar, and cement were used not only for structural purposes, but also for textural variety and beautification.

The Forestiere Underground Gardens was placed on the National Register of Historic Places on October 28, 1977. The boundaries for the site included the "ten acre parcel less streets and roads." The nomination for the California Historical Landmark, also prepared in 1977, noted 7 acres of "grottos, patios and garden courts," although the inscription on the State Landmark plaque referred to the site as 10 acres:

**NO. 916 FORESTIERE UNDERGROUND GARDENS** - Here, beneath the hot, arid surface of the San Joaquin Valley, Baldasare Forestiere (1879-1946) began in the early 1900s to sculpt a fantastic retreat. Excavating the hardpan by hand, he created a unique complex of underground rooms, passages, and gardens which rambled throughout a ten-acre parcel. His work is being preserved as a living monument to a creative and individualistic spirit unbounded by conventionality.

The Underground Gardens was designated to Fresno's Local Register of Historic Resources by the Fresno City Council on 20 March 1984. The lot size noted on the inventory forms was 595 x 633 feet and the site map (also included in the nomination for the California Historical Landmark) depicted extensive resources throughout the entire parcel (Appendix B).

When Baldasare Forestiere died in 1946 the property was bequeathed to Guiseppi Forestiere, who in turn left the estate to his two sons, Joseph and Ricardo in 1973. In 1991 the property was partitioned between Joseph and Ricardo with Ricardo receiving the westerly portion and Joseph receiving the somewhat larger undeveloped eastern portion. In 1993 the Fifth District Court of Appeal affirmed the partition and the California Supreme Court denied Joseph Forestiere's petition for review (Bar Bulletin April 1994).

The question of whether underground resources associated with Forestiere are extant on the eastern (4.41 acre) parcel is critical to the request by the property owner to essentially delist her property from the Local Register of Historic Resources. In her letter of 2 November 2011, Mrs. Mary L. Forestiere cites the decision by Judge Stephen Henry in 1991 to award the "Underground Gardens" to Rick Forestiere whereas the remaining eastern parcel was undeveloped and therefore without historic status. She also notes that she has no plans to develop the property but is attempting to sell it and wishes to have the historic status removed prior to negotiating a contract (Appendix E). (City planning staff has recently met with representatives of the Mary Forestiere family regarding the potential to lease the parcel for use as an "international open air market.")

The 1991 "Interlocutory Judgment Directing Partition of Real Property and Personal Property" in fact described a clear separation of the property based on the location of the "Forestiere Underground Gardens," granting to one party the "real property located west of the interior fence line which contain all of the underground rooms, passages and courtyards commonly known as "Forestiere Underground

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Gardens", from all of the real property east of the interior fence line which does not contain the "Forestiere Underground Gardens." The Highway City Neighborhood Specific Plan of 1998 also noted that the Gardens at one time "covered in excess of ten acres," however "as a result of indifferent and hostile land use policies and development, only approximately four acres remain of the original excavations" (1998:41).

It would appear, however, that the reference to the "Gardens" in both the settlement agreement and the Specific Plan was the portion of the resource which was open to the public for tours, rather than other assets of the overall site which were not open or safe for tourism. Historic designation has a different purpose: to protect the entire resource. To remove a property from the Local Register (as well as from the National Register) it is incumbent to provide "new information" or demonstrate the "discovery of earlier misinformation or change of original circumstances, conditions or factors which justified the designation of the Resource or District" (FMC 12-1614). Thus, what is the status and integrity of the resources indicated on site maps submitted with both the National Register and Local Register nominations? To date, the City has not received any information which would indicate the change to resources located on the eastern 4.41 acres of the site. It is also important to remember that whether there are completed tunnels or rooms that are extant and structurally sound may be moot as both Registers include a provision for sub-surface historic resources (Criterion D and iv).

Both the California Environmental Quality Act and the 1998 Highway City Neighborhood Specific Plan address adjacency and context issues, as regards to a historic property. The framers of the Specific Plan were particularly cognizant of the importance which the Underground Gardens represented for tourism and the overall economic vitality of this Fresno neighborhood. Implementation Action 7-4-8 prohibits "the construction of structures and uses of real property on property adjacent or adjoining the Forestiere Underground Gardens that may adversely affect or impact the aesthetic, structural integrity or public enjoyment of the ... Gardens." Implementation Action 7-4-9 continued, "Mitigate the effects of uses on properties adjacent, adjoining or near the Forestiere Underground Gardens that create noise, vibration, odors or other adverse impacts..." Action 7-4-10 requires a "landscape buffer on properties contiguous to the Forestiere Underground Gardens."

### **New Information:**

At the December 12, 2011 public meeting of the Historic Preservation Commission, Anthony Forestiere, representing the Mary Forestiere family, gave testimony and submitted several documents, including numerous photographs, a "Map of Survey" by R.W. Greenwood Associates, Inc. (April 29, 1969) and an Appraisal Report dated June 27, 1990 by Robert Wilson and Associates. Mr. Forestiere also questioned whether or not the Local Register designation of the Gardens in 1984 was legally appropriate, as the Mary Forestiere family has no memory of Joseph Forestiere as co-owner approving this designation.

**Local Register designation of the Forestiere Underground Gardens:** Pursuant to FMC 12-1609(a)(7), owner consent for the Local Register is not required. One would have to research earlier versions of the Ordinance to see whether this was also the case prior to the update to the ordinance in 1999. The file on the property, however, indicates that a "Notice of Hearing" was sent to both Ricardo and Joseph Forestiere at the 5021 W. Shaw Avenue address on February 3, 1984. The City Council held its hearing and voted to designate the Gardens to the Local Register on March 20, 1984; the statute of limitations to challenge this decision has long since past.



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**Map of Survey, R.W. Greenwood Associates, Inc (April 29, 1969)** depicts no tunnels or features on the east 4.41 acres other than an auto passage/driveway on the surface. The map, however, indicates extensive subsurface features on the west side of the site. **Parcel Map No. 94-02** prepared by the same firm in 1993 (?) depicts a small building [the souvenir shop?] a drain well, paved area with a driveway, and stairway close to another well on the east parcel. City staff has consulted with Greenwood Associates and is waiting for additional information on whether they have knowledge of any sub-surface features on the eastern 4.41 acres.

**Appraisal Report, Robert B. Wilson and Associates, June 27, 1990.** This report was prepared on behalf of Nicolas Forestiere Esq. (son of Ric Forestiere). The total property assessed, in preparation for the division of the site, was 8.63 acres. The appraisal noted that the Greenwood Associates survey was relied upon for the exterior boundaries and scope of the "diggings" open to the public. The consultant who prepared the report, Charles W. Puckett, was coincidentally trained in engineering and architecture. He observed "The Underground Gardens are located in the NW 2 ½ acres having 340 ft on Shaw and 325 feet on Forestiere Avenue." The actual portion open to the public (at that time) totaled "60,000 sf or 1.38 acres." He also noted that "the gardens were never really finished."

**Letter and materials submitted by Marc Forestiere, 4 January 2012.** Marc Forestiere, son of Ricardo (Ric) Forestiere, submitted a letter with photos and newspaper articles. Several features have been marked on the aerial map which was initially prepared for the City's staff report, December 12, 2011. Item "G" is noted as an "old souvenir shop," which apparently faced onto Shaw Avenue. Google photos for this structure appear to depict a fruit stand, similar to those seen throughout the Fresno area especially for strawberries. Item "A" depicts the remnants of a smoke house building. This "smokehouse" is not depicted on the site map attributed to Jan Wampler and which was used in all the nomination forms.

**Fresno Bee articles, March 23, 1923 and May 3, 1924.** Copies of these articles are of great interest as they record the first-hand impressions of writers less than 20 years after Baldassarre Forestiere began his excavations. Both articles note the preparation for and the creation of a small lake, which was intended to be developed into an elaborate recreational and tourist facility. It should be noted that Baldassarre Forestiere clearly intended to have his Gardens serve a public function, beyond his own personal residential needs. The 1923 article references the presence of a surface lake and Baldassarre's plan to build a tunnel that would connect the "workings to the center of the lake." The 1924 article noted that a "small lake is already in existence. It will be enlarged to a great extent." Neither article notes the location of this lake but a hand drawn map by Mr. Ric Forestiere indicates that it was on the east side of the property.

**Lake on east parcel.** The 1977 National Register nomination also noted that "On ground level there was a small lake of which only a few remnants remain. Vanishing traces can only faintly be detected, which instead of being enlarged as contemplated, was filled in by tenants for the present parking lot." However, in 1977 both brothers, Ricardo and Joseph are notarized as signing the nomination. As stewards of this property it was their purview to protect this former resource. One assumes that the lake was never finished, nor the tunnel to connect to it built, and that by the National Register nomination there was scant little to document on this side of the property.

**Site map attributed to Dr. Jan Wampler, M.I.T.** The site map used for all three Register program nominations----the National Register, the State Landmark and Fresno's Local Register---was attributed to Dr. Jan Wampler. This map depicts numerous resources on what are now both parcels, including several noted as "unopened" on the east 4.41 acre parcel, owned by Mary Forestiere. Staff contacted Dr.



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Wampler on 13 December 2011 regarding his knowledge of the resources on the east side and his methodology in surveying them. Dr. Wampler's responded on December 14, 2011 and stated "I do not remember how I made the map, but I think I must have [received] the information from another source as I clearly did not survey the area." Staff and commissioners are thus left wondering about the original source of this map, and its accuracy.

The Historic Preservation Commission is slated to tour both the west and east parcels on January 7<sup>th</sup> during which additional questions may be asked, and answered. It is therefore the staff recommendation to continue this item to the regularly scheduled meeting on January 23<sup>rd</sup> in order to allow time to properly evaluate all information.

- Attachments:
- Exhibit A - 2008 Aerial of the Forestiere Underground Gardens.
  - Exhibit B - Historic Resource Inventory Prepared for the Forestiere Underground Gardens 11 December 1982.
  - Exhibit C - "Interlocutory Judgment Directing Partition of Real Property and Personal Property," 25 April 1991.
  - Exhibit D - "Highway City Neighborhood Specific Plan (portion), City of Fresno Development Department, May 1995, Adopted by the Fresno City 6 January 1998.
  - Exhibit E - Letter to Karana Hattersley-Drayton from Mary L. Forestiere 2 November 2011.
  - Exhibit F - Letter and Information from Marc Forestiere 4 January 2012.
  - Exhibit G - Letter to Mary Forestiere from Parker.Stanbury LLP 28 June 2011.



2008 Aerial  
of 8.70 Acre  
Site  
Designated  
as the  
Forestiere  
Underground  
Gardens



# HISTORIC RESOURCES INVENTORY

(State use only)

UTM \_\_\_\_\_ Q \_\_\_\_\_ NR \_\_\_\_\_ SHL \_\_\_\_\_  
 Lat \_\_\_\_\_ Lon \_\_\_\_\_ Era \_\_\_\_\_ Sig \_\_\_\_\_  
 Adm \_\_\_\_\_ T2 \_\_\_\_\_ T3 \_\_\_\_\_ Cat \_\_\_\_\_ HABS \_\_\_\_\_ HAER \_\_\_\_\_ Fed \_\_\_\_\_

## IDENTIFICATION

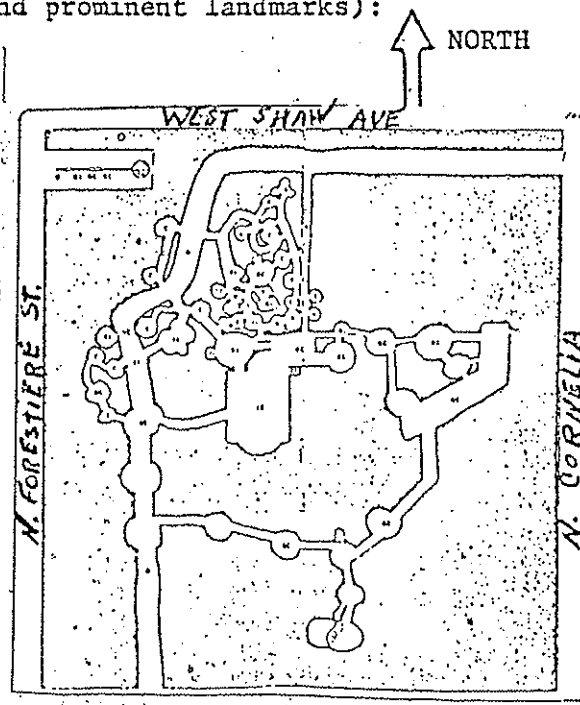
- Common name: Forestiere Underground Gardens
- Historic name, if known: Forestiere Underground Gardens
- Street or rural address 5021 West Shaw Ave  
 City: Fresno ZIP: 93711 County: Fresno
- Present owner, if known: R & J Forestiere Address: 629 West Robinwood  
 City: Fresno ZIP: 93704 Ownership is: Public ☐ Private ☒
- Present Use: Historic Tours Original Use: Home of Creator-Builder  
 Other past uses: None

## DESCRIPTION

- Briefly describe the present physical appearance of the site or structure and describe any major alterations from its original condition:

The Underground home and gardens of Baldasare Forestiere exist in their original condition. They are to date in varying physical conditions. Those areas of the tour open to the public are well maintained and a constant source of inspiration, education and wonderment to young and old alike. Other areas, off-tour are in various stages of limited repair and restoration, while others are in stages of disrepair. The ravages of time and the process of deterioration continue to take their toll on its physical appearance and original condition.

- Locational sketch map (draw and label site and surrounding streets, roads, and prominent landmarks):



- Entrance
- Entrance Hall
- Planter
- Well
- Living Room
- Kitchen
- Church
- Chapel
- Automobile Tunnel
- Pedestrian Tunnel
- Winery
- Light Well
- Stairs
- Walkway
- Patio
- Sump Pit
- Hothouse
- Indoor Patio
- Bedroom
- Bedroom Court
- Bathroom
- Reading Room
- Stairs to Lower
- Tunnel Under
- Glass Bottom Area
- Nursery
- Restaurant (inc.)
- Kitchen
- Unopened

- Approximate property size:  
 Lot size (in feet) Frontage 595 ft  
 Depth 633 ft  
 or approx. acreage \_\_\_\_\_
- Condition: (check one)  
 a. Excellent ☐ b. Good ☒ c. Fair ☐  
 d. Deteriorated ☐ e. No longer in existence ☐
- Is the feature a. Altered? ☐ b. Unaltered? ☐
- Surroundings: (Check more than one if necessary)  
 a. Open land ☒ b. Scattered buildings ☒  
 c. Densely built-up ☐ d. Residential ☐  
 e. Commercial ☐ f. Industrial ☐  
 g. Other ☐
- Threats to site:  
 a. None known ☒ b. Private development ☐  
 c. Zoning ☐ d. Public Works project ☐  
 e. Vandalism ☐ f. Other ☐
- Date(s) of enclosed photograph(s): 12-11-82



NOTE: THE FOLLOWING (ITEMS 14-19) are for structures only.

14. Primary exterior building material: a. Stone ☒ b. Brick ☐ c. Stucco ☐  
d. Adobe ☐ e. Wood ☐ f. Other ☐
15. Is the structure: a. On its original site? ☒ b. Moved? ☐ c. Unknown? ☐
16. Year of initial construction 1906 This date is: a. Factual ☒ b. Estimated ☐
17. Architect (if known): Baldasare Forestiere
18. Builder (if known): Baldasare Forestiere
19. Related features: a. Barn ☐ b. Carriage house ☐ c. Outhouse ☐ d. Shed(s) ☐  
e. Formal garden(s) ☐ f. Windmill ☐ g. Watertower/tankhouse ☐  
h. Other ☐ See Significance i. None ☐

## SIGNIFICANCE

20. Briefly state historical and/or architectural importance (include dates, awards persons associated with the site when known):  
The Forestiere Underground Gardens is recognized for its originality and uniqueness. Architects have attempted to identify it as "Terra-Tecture", an earthen form of Architecture; (Richard Dempewolf, Science Digest, 11-19-75). The significance of the Underground home and garden complex lies in its uniqueness, its ecological sophistication and its statement of individual creativity. It has educational value which derives from all three of the dimensions, the environment is sculptural, but creates definite spaces with Architectural merit; (Galen Cranz Ph.D. - Architectural Supplement, 6-17-77). It has great potential educationally regarding both history and energy conservation, aesthetically and as a biography its inspirational, (Galen Cranz Ph. D. ) U. C. Berkeley, 3-18-77).
21. Main theme of the historic resource: (Check only one): a. Architecture ☒ b. Arts & Leisure ☐ c. Economic/Industrial ☐ d. Exploration/Settlement ☐ e. Government ☐ f. Military ☐ g. Religion ☐ h. Social/Education ☐
22. Sources: List books, documents, surveys, personal interviews, and their dates:  
Fresno Bee 3-23-23 Calif. Register Historic Landmark-Doc. 6-17-77  
Fresno Bee 5-24-24  
National Register of Historic Places - Doc. 3-28-77  
Calif. Heritage Council-Certificate 5-27-81 - Award for its cultural contribution to C
23. Date form prepared: 12-24-82 By (name): Tom Conley  
Address: 345 Gettysburg City Clovis ZIP: 93612  
Phone: 292-7685 Organization: The Underground Gardens Conservancy
- (State Use Only)

(State Use Only)

1

E., M.D.B.E.A.

Tax Area

187-003

187-004

311-13

Bk.  
306

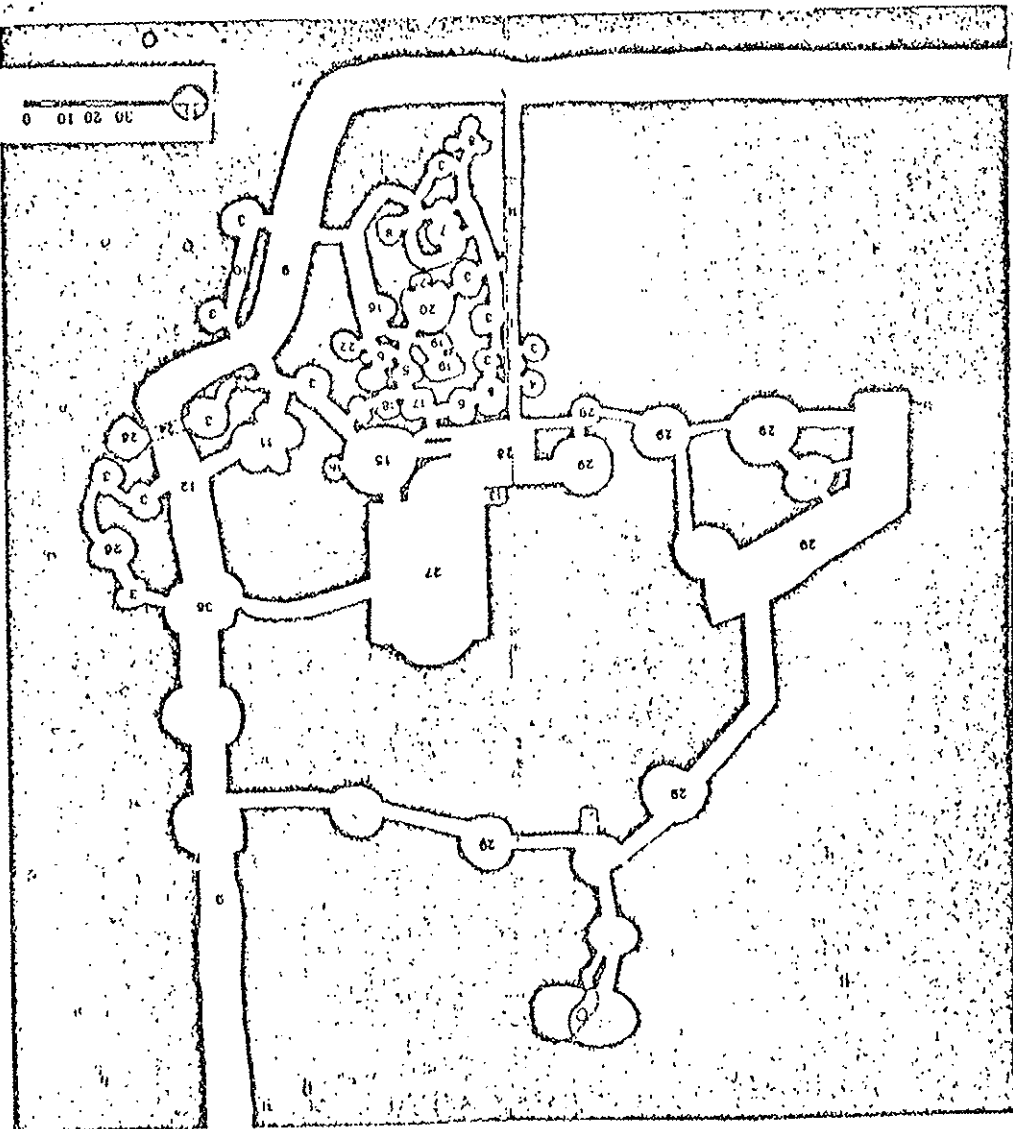
Forestiére  
Underground  
Gardens

W. SHAW

Superimposed Map- Jan Tampler, Assoc. Prof.  
School of Architecture & Planning  
Massachusetts Institute of Technology  
Cambridge, Massachusetts 02139

29

1. Entrance
2. Entrance Hall
3. Planter
4. Well
5. Living Room
6. Kitchen
7. Church
8. Chapel
9. Automobile Tunnel
10. Pedestrian Tunnel
11. Winery
12. Light Well
13. Stairs
14. Walkway
15. Patio
16. Sump Pit
17. Hothouse
18. Indoor Patio
19. Bedroom
20. Bedroom Court
21. Bathroom
22. Reading Room
23. Stairs to Lower Level
24. Tunnel Under
25. Glass Bottom Aquari
26. Nursery
27. Restaurant (incompl
28. Kitchen
29. Unopened



16

Assessor's Map Bk 311 -Pg.13

County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses  
Applicant's Parcel Numbers Shown in Circles

FENCE

48

FILED

APR 25 1991

FRESNO COUNTY CLERK

*Jon. Haugan*

BOUTIN, LASSNER, GIBSON,  
PERRY & DELEHANT  
NICHOLAS P. FORESTIERE (State Bar # 125118)  
455 Capitol Mall, Suite 300  
Sacramento, California 95814  
Telephone: (916) 321-4444

Attorneys for Defendants  
ROSARIO RICARDO FORESTIERE

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF FRESNO

JOSEPH C. FORESTIERE and  
MARY L. FORESTIERE,

Plaintiffs,

vs.

ROSARIO RICARDO FORESTIERE,  
aka RICK FORESTIERE, and all  
persons unknown claiming any  
interest in the property,  
named as DOES 1 through 20,  
inclusive,

Defendants.

No. 409809-1

INTERLOCUTORY JUDGMENT DIRECTING  
PARTITION OF REAL PROPERTY AND  
PERSONAL PROPERTY

The above-entitled cause came on regularly for trial without  
a jury on March 18, 1991 in Department 18 of the above-entitled  
court, the Honorable Stephen R. Henry, presiding. Plaintiffs  
appeared personally and through their counsel of record, Gregory L.  
Myers of Myers and Overstreet. Defendant appeared personally and  
through his counsel of record, Nicholas P. Forestiere of Boutin,  
Lassner, Gibson, Perry & Delehant.

The court having heard the testimony and having examined the  
proofs and stipulations offered by the respective parties, and



1 being fully advised in the premises, and having issued its  
2 decision, findings of fact and conclusions of law orally on the  
3 record in open court on March 22, 1991, and having directed that  
4 judgment be entered therewith;

5 IT IS ORDERED, ADJUDGED and DECREED that:

6 1. Plaintiffs and defendant are the owners as tenants in  
7 common of the real property commonly known as 5021 West Shaw  
8 Avenue, Fresno, California ("real property"), and more particularly  
9 described as follows:

10 THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE  
11 NORTHEAST QUARTER IN SECTION 15, TOWNSHIP 13 SOUTH, RANGE  
12 19 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF  
FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL  
PLAT THEREOF.

13 Plaintiffs, Joseph C. Forestiere and Mary L. Forestiere, husband  
14 and wife, own as community property an undivided one-half interest  
15 in the real property. Defendant Rosario Ricardo Forestiere owns  
16 the remaining one-half undivided interest in the real property.  
17 There are no liens or encumbrances against the real property.

18 2. The real property be partitioned in kind between and  
19 among the several parties plaintiffs and defendant in this cause in  
20 accordance with their several and respective interests therein as  
21 indicated above.

22 3. The real property be partitioned in kind by dividing the  
23 real property along its interior fence line separating all of the  
24 real property located west of the interior fence line which contain  
25 all of the underground rooms, passages and courtyards commonly  
26 known as the "Forestiere Underground Gardens", from all of the real  
27 property east of the interior fence line which does not contain the  
28 "Forestiere Underground Gardens."


1        4. Defendant is to receive and is allotted all of the  
2 "Forestiere Underground Gardens" and all of the real property  
3 located west of the interior fence line, except for the 12,000  
4 square feet of the real property identified below. Plaintiffs are  
5 to receive and are allotted all of the real property east of the  
6 interior fence line and are also to receive 12,000 square feet of  
7 the southern most portion of the real property located immediately  
8 west of the interior fence line. The configuration of the 12,000  
9 square feet of real property shall be 50 feet by 240 feet. The 240  
10 feet shall commence to run north from the south property line along  
11 the interior fence line, and then commence to run 50 feet west from  
12 the interior fence line at a 90° angle from the interior fence  
13 line, and then commence to run south 240 feet parallel to the  
14 interior fence line until it meets the end of the south property  
15 line. (See Exhibit "1" attached hereto and incorporated herein for  
16 identification and location of the interior fence line and the  
17 additional 12,000 square feet of real property to be allocated to  
18 plaintiffs. Defendant is to receive and be allotted the portion of  
19 the real property designated as owner "A" in Exhibit "1".  
20 Plaintiffs are to receive and be allotted the portion of the real  
21 property designated as owner "B" and the 12,000 square feet in  
22 Exhibit "1".)

23        5. Defendant shall also receive an easement upon the real  
24 property east of the interior fence line for the purpose of  
25 providing access to and use of the well and pump which are located  
26 east of the interior fence line. Plaintiffs' real property east of  
27 the interior fence line will be the servient tenement and  
28 defendant's real property west of the interior fence line will be

1 the dominant tenement. The easement shall expire one year from the  
2 date of entry of the final judgment in this action. During the  
3 period that the easement exist, the well and pump shall be fully  
4 accessible by all parties. Defendant shall provide electricity to  
5 the pump and shall be reimbursed for such electricity expended for  
6 plaintiffs use of the well and pump. The parties shall also be  
7 jointly obligated to pay for the repairs and maintenance of the  
8 well, pump and easement according to their respective ownership  
9 interests in the real property. Plaintiffs shall not take water  
10 from the well or pump to the detriment of the past and existing  
11 uses of the well and pump made by the real property west of the  
12 interior fence line and the "Forestiere Underground Gardens." The  
13 court reserves jurisdiction to resolve any disputes arising from  
14 the terms, use, location and disposition of this easement and the  
15 well and pump until the expiration of the easement.


16 6. The personal property consisting of 1 Sears electric  
17 cement mixer, 2 scrapers, 1 grape crusher, one 3-door ice box, 1  
18 wood burning stove, and 1 gas pump engine, one portrait of  
19 Baldasare Forestiere, and one ganon 3-way scraper shall all be  
20 awarded to defendant.

21 DATED: April 25, 1991

  
\_\_\_\_\_  
Judge of the Superior Court

22  
23  
24 Approved as to Form and Content:

25 BOUTIN, LASSNER, GIBSON,  
26 PERRY & DELEHANT

27 By:   
28 Nicholas P. Forestiere  
Attorneys for Defendant  
ROSARIO RICARDO FORESTIERE



1  
2 Myers and Overstreet

3  
4 By: 

5 Gregory L. Myers  
6 Attorneys for Plaintiffs  
JOSEPH C. FORESTIERE AND  
MARY L. FORESTIERE

POR. SEC. 15, T.13 S., R.19 E., M.D.B. & M.

For Air  
3-334  
5-134

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W. J. STAFF

Ms. B. 7.4

三

**111**

N. FORESTIERE

OWNER A  
ROSARIO RICARDO FORESTIERE

OWNER B  
JOSEPH C. FORESTIERE  
MARY L. FORESTIERE

NOT DRAWN  
TO SCALE

○ ← WELL

N. CORNELIA

NOTE - ASSISTANT Block Numbers Shown in Ellipses

Assessor's Map Dk.311 -Pg.13  
County of Fresno, Calif.

S. BROCK  
COPY

~~DRAFT~~

## HIGHWAY CITY NEIGHBORHOOD SPECIFIC PLAN

~~MAY 1995~~

*Adopted by City Council*

*January 6, 1998*

City of  
**FRESNO**   
DEVELOPMENT DEPARTMENT  
PLANNING DIVISION

lessening the financial burden upon existing residents and businesses.

6-1-3. City of Fresno shall take a leadership role in pursuit of any and all financing for the improvement of the area's infrastructure.

6-1-4. Integrate preparation of the master plan with planning done by Caltrans, the Fresno Metropolitan Flood Control District and public utility companies.

6-1-5. Place a high priority on the completion of drainage and flood control systems, and cooperate with Fresno Metropolitan Flood Control District to finance and construct the necessary facilities.

6-1-6. Provide for the coordination of all infrastructure work with municipal and private utility companies and other agencies to minimize the disturbance of street improvements.

6-1-7. Promote the undergrounding of overhead utilities through the formation of improvement districts and the provision of financial incentives to encourage property owners to participate in converting to an underground system.

#### Policy

6-2. The City of Fresno will take a leadership role in providing, improving, and attracting public service facilities which contribute to a quality urban environment for the Highway City and adjacent areas.

#### Implementation Actions

6-2-1. In recognition of the central location of Highway City with respect to Freeway 99, Shaw Avenue, and proposed urban areas to the west, potential locations for branch libraries, postal facilities, police dressing stations, fire stations, etc., should be considered for Highway City locations.

### **HISTORIC PRESERVATION, CULTURAL RESOURCES AND ENTERTAINMENT**

The presence of the historic Forestiere Underground Gardens provides the neighborhood with a potentially valuable asset if restored and protected as a cultural and sight-seeing attraction. This feature is expected to serve as a foundation around which neighborhood retail commercial, travel oriented service commercial and complementary recreational / entertainment attractions can be developed.

#### **GOAL**

7. Conserve, revitalize, support and provide cultural and entertainment resources for the enjoyment and benefit of Highway City citizens and visitors.

### Policy

7-1. Maintain and improve public and private cultural and entertainment facilities in the area.

### Implementation Actions

7-1-1. Promote and support the improvement of the Underground Gardens facility as provided in the Underground Gardens Special Issue Element of the Highway City Specific Plan.

7-1-2. Coordinate with Cal Trans, the Convention and Visitors Bureau, and other agencies and interested parties to determine the feasibility of locating a Tourist Information Center and/or Motorist Rest Area, in proximity to Freeway 99 and other existing or planned culture and entertainment facilities (i.e., Underground Gardens, potential water-oriented recreation facility, etc.).

7-1-3. Coordinate with Cal Trans, the Convention and Visitors Bureau, Southern Pacific Railroad, the Chamber of Commerce, and other agencies and interested parties to determine the needs, design alternatives, and funding strategies for development of special entryway treatments (special landscaping, signage, entryway structures, etc.).

7-1-4. Provide financial, processing, or development incentives to development projects that allocate a minimum of one (1) percent or more of a project cost for cultural and entertainment uses. In conjunction with the Highway City Specific Plan Implementation Committee, formulate a "bonus development entitlement" (bonus densities, floor area increases, etc.) program to be provided to developers/business operators for their contributions to the improvement of cultural and entertainment uses in the Highway City area.

7-1-5. Produce and promote literature, audio visual presentations and special events in conjunction with other agencies that identify, enhance, and protect the cultural and entertainment assets of the area.

### Policy

7-2. Utilize the assistance of local, state and federal agencies and private organizations to promote the preservation, restoration and improvement of the Underground Gardens and the surrounding area as a catalyst for the development of tourism and tourist - related businesses; and, where feasible and appropriate, seek qualifying funds and resources from government and private sources to achieve this purpose.

### Implementation Actions



7-2-1. Contact and work with the State Office of Historic Preservation, National Trust of Historical Preservation, Fresno City and County Historical Society, the Fresno Historical Preservation Commission, the Landmarks Preservation Council, and similar government and private organizations in seeking funds and resources to preserve, restore and improve the Underground Gardens.

7-2-2. Seek and obtain the assistance of the Fresno Convention and Visitors Bureau, the Fresno Chamber of Commerce and similar organizations to implement programs and provide incentives that increase and enhance tourism and tourist related businesses.

7-2-3. Pursue and support the creation of an Historical Corridor and Tourist District that includes the Underground Gardens.

7-2-4. Utilize and liberally interpret local, state and federal codes, regulations and policies, including the provisions of the City of Fresno General Plan concerning historical resources, with flexibility and "friendly" enforcement to avoid hampering the restoration, repair, operation and improvement of the Underground Gardens.

7-2-5. Where feasible and appropriate seek available funding and resources for constructing, repairing, improving, and maintaining streets, alleys, sewer system, storm drains, curbs, gutters, sidewalks, street lights, street and median island landscaping and similar improvements on the streets and alleys surrounding the Underground Gardens.

7-2-6. Where feasible and appropriate seek available funds and resources to preserve, restore, promote, repair and improve the Underground Gardens.

7-2-7. Where feasible and appropriate seek available funds and resources to preserve, restore, promote, repair and improve other historically significant properties within the Specific Plan Area.

#### Policy

7-3. Develop, plan and construct public and private improvements, structures and uses to eliminate, restrict, and mitigate their adverse effects or impacts upon the aesthetic, structural integrity or public enjoyment of the Underground Gardens.

#### Implementation Actions

7-3-1. Establish reasonable landscape set backs on public and private properties to eliminate, restrict and mitigate the effects of construction, structures, uses and improvements (e.g., vibration, drainage, noise, water seepage, ground disturbances, lighting, storage, traffic, refuse, odors and similar effects) that may adversely affect or impact the aesthetic, structural integrity or public enjoyment of the Underground Gardens.

7-3-2. Prioritize street and landscape improvements, maintenance and repairs for the streets, sidewalks, curbs, gutters, storm drains, lights, etc., on the streets and alleys surrounding the Underground Gardens.

7-3-3. Evaluate and study the feasibility of alternate through truck and heavy equipment routes using Golden State Boulevard via the Ashlan and Herndon exits rather than the Shaw Avenue exits off Freeway 99.

7-3-4. Plan and construct public improvements, uses and structures (e.g., widening streets, bus bays, new streets, easements, etc.,) to avoid the encroachment and destruction of the Underground Gardens, and eliminate, restrict and mitigate their adverse effects or impacts (e.g., vibration, drainage, noise, water seepage, ground disturbances, lighting, storage, traffic, refuse, odors and similar effects) upon the Underground Gardens.

7-3-5. Contact and cooperate with local, state and federal agencies, from government and private sources to encourage the development of a rest stop, tourist information center, tourist related businesses, commuter parking and park and recreation facilities that would service the tourists and commuters traveling on Freeway 99 and Highway 168 (Shaw Ave).

Considering the prominence of the Forestiere Underground Gardens and its potential role as the focal point of a thriving neighborhood core a specific strategy has been formulated to promote and protect the integrity of this resource.

The Forestiere Underground Gardens ("Underground Gardens") is a registered California State Historical Landmark which is also listed on the National Register of Historical Places and is recognized by the Fresno City and County Historical Society. The Underground Gardens consist of Baldasare Forestiere's underground home and gardens, underground ballroom, and numerous underground rooms, passageways, courtyards and grottos. Using hand tools, Baldasare Forestiere created the Underground Gardens over a forty-year period commencing in 1906. The Underground Gardens have been recognized for its architectural, engineering, horticultural and artistic achievements.

The Underground Gardens have been operated as an historical museum with thousands of tourists visiting them annually. The Underground Gardens' ballroom has also been used for various functions and events, and could serve as a catalyst for fundraising by nonprofit and charitable organizations.

At one time the Underground Gardens covered in excess of ten acres. However, as a result of indifferent and hostile land use policies and development, only approximately four acres remain of the original excavations. Several of the underground structures are also located on or near adjoining public and private properties and improvements subjecting them to vibration, water seepage, ground disturbances, noise, drainage, and similar adverse impacts which negatively affect the structural integrity, aesthetic environment and public enjoyment of the Underground

Gardens. Appropriate measures are therefore needed to preserve and restore the Underground Gardens and reduce, restrict and mitigate the adverse effects and impacts by present and future public and private land uses, structures and improvements.

The Underground Gardens is a historical and cultural asset of Highway City which provides a unique opportunity and basis upon which to further develop tourism and tourist-related businesses in Highway City. The Underground Gardens by virtue of its historical recognition also permits Highway City to qualify for private and public resources and funds to pay for street and community improvements and repairs.

In recognition of the benefits that Highway City derives from the Underground Gardens, in order to further the development of tourism and tourist related businesses and to assist in the efforts being made to preserve, restore and promote the Underground Gardens, the following goals, policies and implementation actions are being adopted.

#### Policy

7-4. Preserve and promote the Forestiere Underground Gardens, a California State Historical Landmark, and encourage the development of tourism and tourist-related businesses.

#### Implementation Actions

7-4-1. Strongly encourage the location of tourism and tourist related business on the properties adjacent and adjoining the Forestiere Underground Gardens.

7-4-2. Cooperate with local, state, and federal agencies and seek funding from government and private agencies to encourage the development and location of a rest stop, commuter parking and park and recreation facilities that would service the families and non-truck vehicles traveling on Freeway 99 and Highway 168 (Shaw Avenue).

7-4-3. Strongly encourage the development of a tourist information center on land adjoining, adjacent or near the Forestiere Underground Gardens and near the family rest stop.

7-4-4. Obtain the assistance of the Fresno Convention and Visitors Bureau and the Fresno Chamber of Commerce to implement measures and programs that increase and enhance tourism and tourist-related businesses on properties adjoining, adjacent and near the Forestiere Underground Gardens.

7-5-5. Allocate qualifying City of Fresno, state and federal funds for the promotion, restoration, repair and improvement of the Underground Gardens.

7-4-6. Utilize and interpret local, state, and federal codes, regulations and policies with

flexibility and friendly enforcement to assist the restoration, repair, operation and improvement of the Forestiere Underground Gardens.

7-4-7. Prohibit the construction of structures and uses of real property on property adjacent or adjoining the Forestiere Underground Gardens that may adversely affect or impact the aesthetic, structural integrity or public enjoyment of the Forestiere Underground Gardens.

7-4-8. Prohibit the construction of structures and uses of real property on property adjacent or adjoining the Forestiere Underground Gardens that may adversely affect or impact the development of tourism and tourist-related businesses.

7-4-9. Mitigate the effects of uses on properties adjacent, adjoining or near the Forestiere Underground Gardens that create noise, vibration, odors or other adverse impacts, which may distract or interfere with the enjoyment of the aesthetic environment of the Forestiere Underground Gardens.

7-4-10. Require a landscape buffer on properties contiguous to the Forestiere Underground Gardens.

7-4-11. Repair, resurface, construct curbs, gutters and sidewalks, and maintain public streets and alleys on properties adjoining, adjacent and near the Forestiere Underground Gardens.

7-4-12. Establish an improvements and maintenance program and budget for the streets and alleys on properties adjacent, adjoining and near the Forestiere Underground Gardens.

7-4-13. Prioritize improvements, repairs and maintenance to address the streets and alleys on properties adjoining, adjacent and near the Forestiere Underground Gardens.

7-4-14. Create a landscaping plan for the streets surrounding the Forestiere Underground Gardens.

7-4-15. Develop and prioritize landscape improvement programs for all major streets (median islands and buffer strips) on properties adjacent, adjoining and near the Forestiere Underground Gardens.

7-4-16. Evaluate and study the feasibility of alternate through truck and heavy equipment routes using Golden State Boulevard rather than the Shaw Avenue exits off Freeway 99.

## **IMPLEMENTATION**

Realization of the Plan's purpose of initiating and sustaining a comprehensive community

November 2, 2011

Ms. Karana Hattersley-Drayton, M.A.  
Historic Preservation Project Manager  
Planning and Development Department  
City of Fresno  
2600 Fresno Street, Room 3043  
Fresno, CA 93721-3604

RE: 4.41 ACRES PAR IN N/E ¼ of N/E ¼ Sec 15 T13R19  
Also described as the N/E Corner of W. Shaw Avenue and Cornelia Avenue  
APN #510-233-04

Dear Ms. Hattersley-Drayton:

In accordance with the requirements of the City of Fresno Historic Preservation Ordinance, please accept this letter as a formal request to have the Historic Property designation on the above-reference property removed.

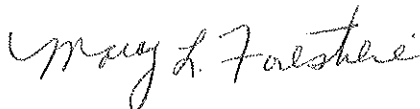
As the current landowner, it is my interpretation that when Judge Stephen Henry divided the property in his ruling back in 1991, he subsequently divided the property as such that the split effectively caused my half of the property to be removed from the historical status as Judge Henry stated that all of the "Underground Gardens" was awarded to Rick Forestiere and the remaining property awarded to Joe Forestiere included no "Underground Gardens". Therefore by splitting the property that way, it would be totally and utterly infeasible to have "raw land (dirt)" to have historical status.

As evidence of such, the property line was adjusted to reflect an abandoned souvenir shop to remain on the other parcel and I was given property at the south end to accommodate the value lost with the positioning of the fence line. In addition, my property doesn't contain any marketable value as it relates to the historical status as requested in the original application for historic preservation.

At the present time, I have no plans to develop the property but do have it up for sale and would like to have the historical status removed before any contract for sale is negotiated and signed.

If you have any questions, please contact Anthony R. Forestiere at (559) 940-2808.

Sincerely,



Mary L. Forestiere  
Landowner

January 4, 2012

Karana Hattersley-Drayton  
Historic Preservation Project Manager  
Secretary, Historic Preservation Commission  
City of Fresno

RE: Request by Mary Forestiere to “rescind the designation of the 4.41-acre (eastern) parcel included within the site of the Forestiere Underground Gardens.”

My dad, Ric Forestiere asked me to help him provide information to the Historic Preservation Commission about historical resources on the 4.41-acres being discussed above in the hope of supporting a recommendation by the Historic Preservation Commission to the Fresno City Council denying the request made by Mary Forestiere.

To review, the entire 8.8-acre parcel is protected by the City of Fresno's Local Register of Historic Resources, the National Register of Historic Places, and the California Historical Landmark status. All three protections were established between 1977 and 1984. In 1998, seven years after a “partition in kind” judgment, a citizen committee including Joseph C. Forestiere and Mary Forestiere added a series of protections through the Highway City Specific Plan.

Below, I have prepared a list of exhibits that may aid the Historic Preservation Commission in understanding the additional historic resources on the 4.41-acre parcel. There may be other Historic Resources that are not visible above ground (underground cellars under the island located within the lakeside exit that was within the 4.41-acre parcel). This is not meant to be an exclusive list.

1. Map of property listing some of the Historic Resources:

- A. Old Smoke House Building
- B. Below Ground Patio connected to old irrigation pump, to be used to provide water to lake
- C. Exit Stairway, leading to lakeside. “artificial lake with which is planned the surface of a large part of the establishment will be adorned.” (Fresno Bee, March 23, 1923) and “already in existence.” (Fresno Bee, May 3, 1924)
- D. Ric Forestiere hand-drawn map that depicts portions of the original lake, not to scale, not complete
- E. Fresno Bee article, March 23, 1923
- F. Fresno Bee article, May 3, 1924
- G. Old Souvenir Shop Building
- H. Copy of FMC 12-1614
- I. Copy of FMC 12-1628

After reviewing these exhibits, I have prepared a series of questions regarding several issues that I believe have been left out or misconstrued in the request by Mary Forestiere that should be addressed. This is not meant to be an exclusive list of questions, but merely an attempt to examine some of what has transpired in 2011 preceding the request, and to get a better understanding from the Historic Preservation Commission.

**1. What provisions under Historic Preservation in the City of Fresno exist to provide protection for the historic resources listed above?**



2. The entire 8.8-acre land was designated by the City of Fresno Local Registry for historic preservation, and there has never been a sale of the property only a “partition in kind” of interest that did not remove historic designations, despite Mary Forestiere’s claims. **Is not the entire 8.8-acres still under the protection of the City of Fresno’s Local Registry?**
3. **Would not this request to rescind require some sort of review by the California Environmental Quality Act in order to assure the protection of the entire 8.8-acre property from adverse impact?**
4. **Would not this request to rescind also require some sort of review by the National Environmental Policy Act for protection of a property listed on the National Register of Historic Places?**
5. There are other historic resources on the 4.41-acre parcel, some of which may be buried below ground, and not merely “raw land (dirt)” as Mary Forestiere stated in her letter. There are numerous historical sites around this country where raw land is protected (battlefields, parks, etc). **Should not the historic resources, located on the 4.41-acre parcel, also receive similar protection under the Historic Preservation Commission?**
6. The staff of the Historic Preservation Commission stated that “even if this 4.41-acre parcel is removed from the historic boundaries, property owners will be constrained to some extent by the explicit provisions of the Highway City Neighborhood Specific Plan. **Is this not correct?**
7. The Interlocutory Judgment by Judge Stephen Henry, cited by Mary Forestiere, divided interest as a “partition in kind”. The court rejected an attempt to “partition by sale”. The judgment did not remove any historical interests on any portion of the property. **Is this not correct?**
8. In 1977 both Ric Forestiere and Joseph C Forestiere by their signatures placed the entire 8.8 acre-parcel under the protection of the California State Landmark. At that time, both owners gave up any and all rights to future development by signing it into the Historic Register. **Are not future generations obligated to maintain, repair, and restore the historical resources on the entire 8.8-acre parcel?**
9. Seven years after the Interlocutory Judgment of 1991, both Joseph C. Forestiere and Mary Forestiere actively participated as committee members of the Highway City Specific Plan that was adopted in 1998. That Specific Plan includes numerous implementation actions and policies specifically created for future historical protections. **Regardless of this request made by Mary Forestiere, is not the City of Fresno obligated to support those actions and policies?**
10. The intention of all historic preservation statutes is not just to maintain historic sites, but to also preserve the expectation that there will be future restoration. The Fresno Bee articles of 1923 and 1924 describe a pre-existing lake on the 4.41-acre parcel. It has always been envisioned that the lake and the lakeside galleria, would be restored for the enjoyment of visitors--not

just locally, but from around the state, country, and around the world. **Would not granting Mary Forestiere's request destroy that vision?**

11. It is my understanding, in June 2011; representatives of Mary Forestiere partially demolished the old souvenir shop/building—along with several mature trees--inside the 4.41-acre parcel. Included with the staff report of the Historic Preservation Commission was a Historic Resources Inventory document indicating “scattered buildings” were on the property. This was an historic building built in the late 1950's. **Was this building not entitled to the protection under the Historic Preservation Commission? How did this happen? What can be done?**
12. It is my understanding, that in June 2011, representatives of Mary Forestiere were heard making plans to bulldoze and fill in the original lakeside exit also located on the 4.41-acre parcel. At that time, Ric Forestiere personally told those representatives they would be violating an historic easement and historic designation. Ric Forestiere followed up with a complaint to the Historic Preservation Commission and to the state Historic Preservation office. In addition, Ric Forestiere had his personal attorney send a letter demanding that they stop. **What is the status of the Historic Preservation Commission office complaint?**
13. It is my understanding that in June 2011 representatives of Mary Forestiere destroyed an historic building and began plans to destroy—the exit stairway that visitors would use to exit into the lakeside galleria, then five months later in November 2011, Mary Forestiere requested to delist the 4.41-acre parcel from the local register. **Is this not an attempt to make the Historic Preservation Commission and the City of Fresno complicit in the destruction of that historic resource? Should there be a request to the City Attorney's office for clarification?**
14. **How did this happen?**

Sincerely,

Marc C. Forestiere

1. Map of property listing some of the Historic Resources on the 4.41-acre parcel:

- A. Old Smoke House Building
- B. Below Ground Patio connected to old irrigation pump, to be used to provide water to lake
- C. Exit Stairway, leading to lakeside. "artificial lake with which is planned the surface of a Large part of the establishment will be adorned." (Fresno Bee, March 23, 1923)
- D. Ric Forestiere hand-drawn map depicting portions of the original lake, not to scale and not complete.
- E. Fresno Bee article, March 23, 1923
- F. Fresno Bee article, May 3, 1924
- G. Old Souvenir Shop Building

2008 Aerial  
of 8.70 Acre  
Site  
Designated  
as the  
Forestiere  
Underground  
Gardens





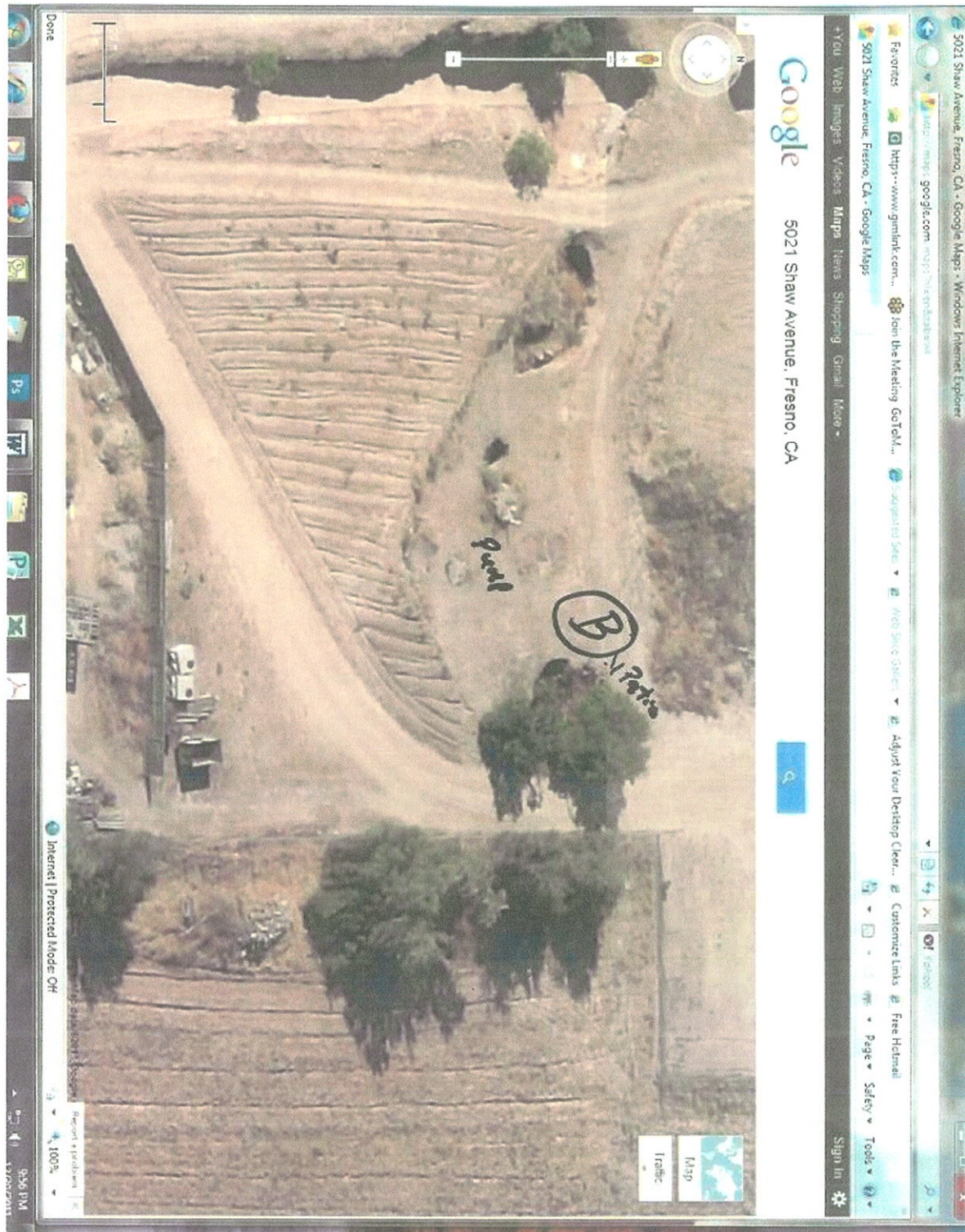
**A. Old Smoke House Building (protected by multiple levels of historic preservation provisions)**





**B. Below Ground Patio connected to old irrigation pump. This pump was to be used to provide water to lake in place of the water used by the irrigation pipe from the Herndon Canal. This patio is not located on the 4.41-acre parcel. It is being provided in this document to support to the Fresno Bee article (March 23, 1923) description of how water would be provided to the lake. Years later Giuseppe Forestiere installed another water well—located on the 4.41-acre parcel that would provide water that can be seen in G, 1b photo.**

**(protected by multiple levels of historic preservation provisions)**





**C. Exit Stairway, leading to lakeside exit galleria.**

**“artificial lake with which is planned the surface of a large part of the establishment will be adorned.” (Fresno Bee, March 23, 1923)**

**“A small lake is already in existence. It will be enlarged to a great extent...” (Fresno Bee, May 3, 1924)**

**(protected by multiple levels of historic preservation provisions)**





**D. Ric Forestiere hand-drawn map that depicts portions of the original lake, not to scale, not complete, and covers 4.41-acre parcel to the south area (protected by historic preservation ordinance). This lake created by Baldassare Forestiere was referenced in Fresno Bee articles : 3-23-1923 & 5-3-1924 stating it's existence at the time of the article, it's use as an by visitors as an exit into a Lakeside "boating and other aquatic sports" type galleria. Both articles describe how it will be a "large part of the establishment..." and "...will be enlarged to a great extent"**



E. Copy of Fresno Bee, March 23, 1923 quoting:

"In one of the deeper caverns there is a well which has been dug as far as the water level and bored from there on. Near this well, also underground, is the gasoline engine that operates the pump and will provide a steady flow of water for an artificial lake with which it is planned the surface of a large part of the establishment will be adorned."

"Leading into the center of the lake will be a tunnel from the underground workings which will allow visitors to ascend from the depths and enjoy boating and other aquatic sports."

"Among the many things planned and partially accomplished are:...a surface lake..."

## Visitors Banned From Unique Cavern Driveway, Fifty Rooms

By O. E. GOOD

ALDASARE FORESTIERE is a dreamer. He has worked with pick and shovel for the past fifteen years to bring into being a dream that he says will not be completed another four years at least.

Of twenty-two years spent in this country since coming in Italy, Forestiere has been fifteen years within a few miles of Fresno, excavating what he plans shall be a subterranean garden and resort unequalled in the world.

Working alone, saving his spare time while cultivating more than twenty acres of surface area, Forestiere has excavated fifty rooms in ground and what seem to be a series of tunnels connecting these rooms, which are arranged at levels.

**Bar On Visitors.**  
Forbidding his work for his own rest, the deliver under the earth ridges every moment he covers the curious. He has placed an impenetrable ban on visitors until a time as he is ready to open workings to the public.

Not that time will be long. In the summer, when the already rough-cut plan can be better finished, each of the fifty rooms completed a separate skylight over which he placed an arbor of either pear or fruit trees, so trained that fruit will hang over the opening.

**Auto Driveway.**  
The single piece of work of the latest magnitude yet accomplished is a driveway for automobiles in which are deep niches in the earth for parking cars. This driveway when completed will extend to one end of the workings to other and will provide a means whereby the visitor can enter in his

automobile and not be obliged to touch the ground until such a time as the car is in the cool recesses of the cavern.

**No Idea Repeated.**  
Variety and originality of design are the predominating impressions left in the mind of the sightseer. In no two of the reception rooms is an idea repeated. In no place does the working out of the idea of the builder reach the monotonous. A fertile mind filled with ideas is expressed in every turn of the twisting tunnels.

The man who has dreamed this dream and worked a large portion of it into fulfillment, is an unusual person. His life history would be acceptable as a story of the struggles of an emigrant boy to an ideal. Money, he does not crave beyond enough to bring his plans to completion. Heretofore, except to himself, he desires.

**Tower Of Liberty.**  
Forestiere left Italy when he was 21 years old, because his father, a wealthy man, wanted to control the fortunes of his family and wanted to rule them with a stern hand. Forestiere wanted liberty.

He came to this country and went to work as an assembler and in the city of Boston. He also aided in building the great Boston Aqueduct and the subway from New York to New Haven. He had no hope of freedom and escape, and he was not to be blamed. He believed that in the world of the deliver for wages there is no freedom.

He came to this valley. First he located near Muzzelet. Here he dug a deep cellar to protect himself from the heat of the sun. Then he moved to his present place and completed his cellar residence.

**Subterranean Retreat.**  
Later, as the urge to dig the earth became greater, he began to think that the residents of Fresno and vicinity would relish a cool subterranean retreat from the heat of mid-summer. Then his work began.

ALDASARE FORESTIERE has worked for fifteen years excavating for his subterranean garden which he plans shall occupy seventy acres.



No plan was made. Every detail in the development of the underground garden has originated in the brain of Forestiere and has never been set on paper. Gradually he has evolved a comprehensive scheme that will connect up into one of the most involved and yet delightful labyrinths of modern ages.

Paced in many places with soft earth that caved in at the touch of the shovel, Forestiere has erected arches of hard sod without mortar, that have withstood the pressure of earth above for years. Where possible, the natural herden has provided a roof for the caverns.

Vents or skylights, as yet uncovered, have not caused his place to be flooded in the rainy seasons. Every drop of water that strikes the floor goes on through into the lower earth without standing a moment. The earth floors are packed as hard and smooth in places as iron.

**Well Within Caverns.**  
In one of the deeper caverns there is a well which has been dug as far as the water level and bored from there on. Near this well, also underground, is the gasoline engine that operates the pump and will provide a steady flow of water for an artificial lake with which it is planned the surface of a large part of the establishment will be adorned.

Leading into the center of the lake will be a tunnel from the underground workings which will allow visitors to ascend from the depths and enjoy boating and other aquatic sports.

March 23, 1923  
Fresno Bee

E

**There Underground.**  
Digging into the earth is not only accomplishment of Forestiere finds a great pleasure in controlling the natural output of earth. In his caverns he has developed oranges and other fruits to a remarkable degree. So of the trees that provide the principal decoration for the reception rooms bear three varieties of fruit on separate branches. Orange lemons and grapefruit, all large, perfect in form and flavor, hang several inches in the workings.

Here, he says, the fruit hangs most twice as long as on the surface. Frost never touches this place below the surface of the earth. Here the temperature very seldom changes over ten degrees the year around.

**Twenty Acres.**  
Twenty acres of ground will be honeycombed by the tunnels; rooms when the work is complete. At present more than half of the area has been mined. Among many things planned and partly accomplished are:

An automobile driveway and a derelict parking space, small dining rooms to be built from a central kitchen, a hall, a small hotel with three floors subterranean lake and fish pond under which another room is cased with the light to be furnished through the glass bottom of lake, a surface lake, a series of agricultural exhibits of grafting, other nature, numbers of reception rooms for parties and lounge rooms for those anxious to get away from the heat of the no day sun.

Lake: "artificial lake with which is planned the surface of a large part of the establishment will be adorned."...will allow visitors to ascend from the depths to enjoy boating and other aquatic sports."...planned and partial accomplished are:...a surface lake..."



F. Copy of Fresno Bee, May 3, 1924 quoting:

"A small lake is already in existence. It will be enlarged to a great extent. That part is easy, for it is merely tractor work."

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FRESNO BEE  
DATE May 3, 1924  
JUL 29 1974  
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1924

## Tunnel Artist Builds Cave Resort 'Man Of Forest' Adopts Shovel To Realize Dream Fifty Rooms Built Underground

By JOSEPH THORNBURN

WITH a piece of orange peel in one hand and a lighted match in the other, the objects held about two inches apart, Baldassare Forestiere, world's champion digger, yesterday demonstrated the explosive nature of the oil in an orange skin. "Now watch," he said, squeezing the orange peel towards the flame. The gap between the peel and match suddenly crackled and snapped as the inflammable gas ignited.

The demonstration was made at Forestiere's ranch in Shaw Avenue just west of the state highway, about seven miles from Fresno.

Forestiere had just been conducting a party of Fresnoans through his subterranean palace of fifty rooms which he has excavated during the past sixteen years.

**Shovel Artist Of The Ages**  
Shake a good horticulturist, an architect, a visionary and the greatest pick-and-shovel artist of the ages together and flavor with the broken dialect of an Italian and you have Forestiere, a man of the forest, that's what his name means in English.

Beneath the well cultivated acres of his ranch, beneath the flourishing peach orchard, Forestiere has dug a veritable Tut-ankh-amen tomb, a catacomb such as afforded the early Christians refuge from the persecutions of the Roman Caesars.

Fifty rooms, connected by a series of passage ways, that is what Forestiere has accomplished. The work has been finished in the rough, but the vast amount of labor required to convert the raw material into the vision stored in Forestiere's mind, almost overwhelms him, he confessed yesterday. "All that I have done is nothing," he pined, "for it required very little money, perhaps \$300, but now I have to begin to use cement in large quantities. I have to reinforce the roof where there are streaks of loose earth that break through the adobe."

**Rooms Are Skylighted**  
Most of the underground rooms are about ten or twelve feet in diameter, and something the shape of an inverted teacup. They are all skylighted. Above the circular hole in the roof, the visitor below sees

clusters of big, yellow lemons and grape fruit and orange blossoms, all attached to the same trees. Grafting is another of Forestiere's hobbies and he delights to talk about the citrus fruits. He has been accustomed to them from childhood, for his father is the owner of large groves near Massima, Italy.

There are many citrus fruits in the old country that are unknown out here, he declared. There are lemons so sweet that they are like pure sugar. Another citrus fruit has a rich perfume. "My father could always tell when we boys had been eating it," he said.

**Trees To Grow In Cave Gardens**  
Forestiere has another use for his fruit trees. In the larger rooms he has constructed circular platforms, the sides cemented to retain the earth. Orange and lemon trees are planted in these. In the reception rooms the platforms are larger and more ornamental, running to triangular designs. Recessed in the walls of most of the rooms are cemented seats. In the largest room of all there is practically no ceiling, but the grape vines planted in the center spread upward and outward, forming a green roof from which great clusters of grapes hang in summer.

Not content with one level, nine or ten feet below the surface, Forestiere has gone down to a second level for one of his large rooms. This will eventually be the center of attraction, for the circular opening in the ceiling will one day be covered by the glass bottom of a huge fish tank.

**Tunnel For Automobiles**  
Passing close to this room, with several entrances to it, is a great tunnel which he has excavated to

automobile travel. The motorist will descend a long incline, the sides of which are recessed and filled with orange trees. At the necessary depth, the motor car, will pass under the arched entrance to the tunnel. The far end or egress from the tunnel has not been excavated as yet.

Near the fish bowl room Forestiere will have his cave garage for his own car. It will have a turn table for convenience.

Other plans of Forestiere include a large hotel with a dining room and kitchen in the basement, connecting with the subterranean rooms.

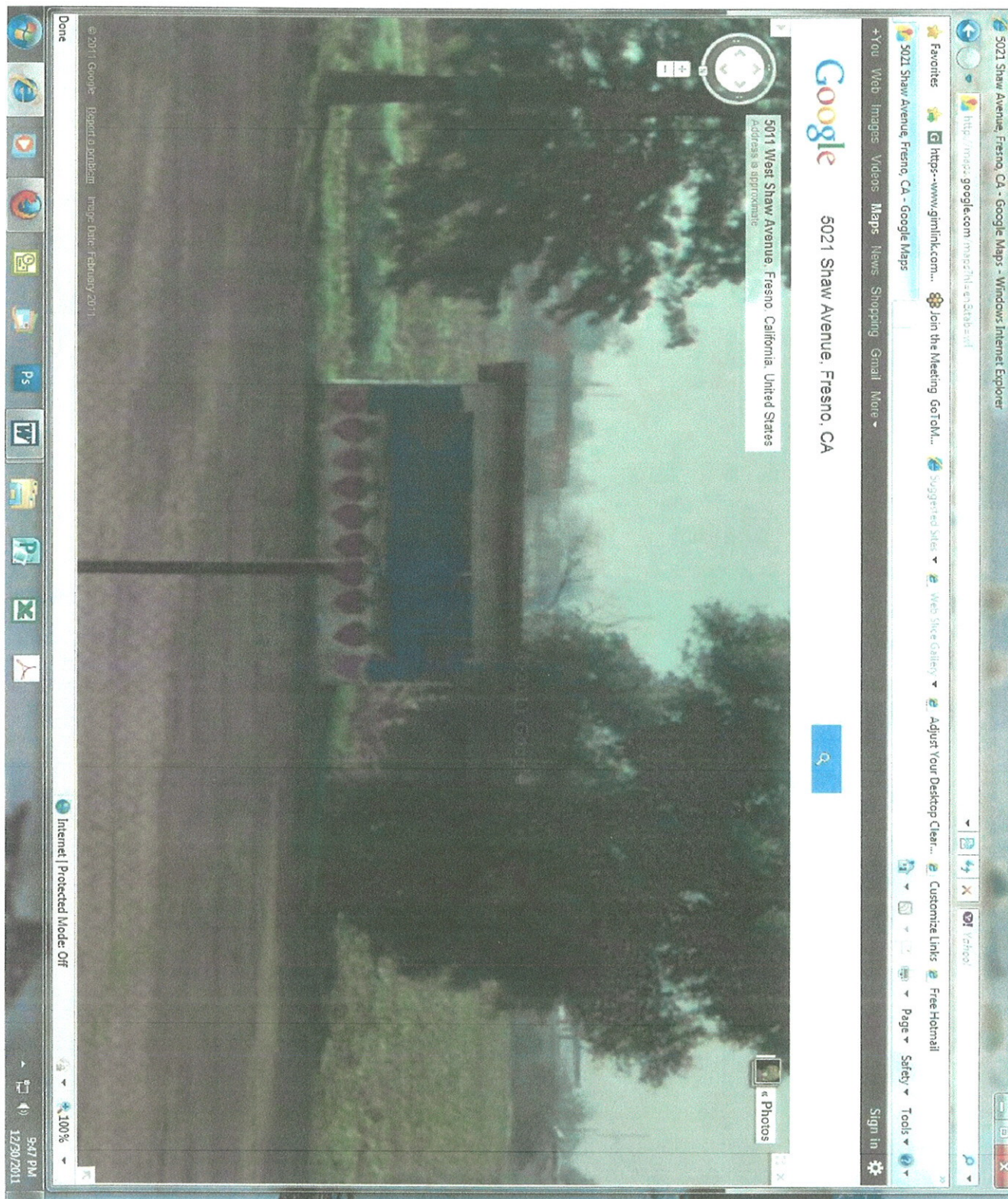
A small lake is already in existence. It will be enlarged to a great extent. That part is easy, for it is merely tractor work.

Forestiere said yesterday that he would allow visitors to inspect the place on Sundays, beginning tomorrow and all through the summer until the end of September.

Lake: "A small lake is already in existence. It will be enlarged to a great extent..."

**G, 1a. Old Souvenir Shop Building seen February 2011 looking south from Shaw Avenue.  
taken by Google**

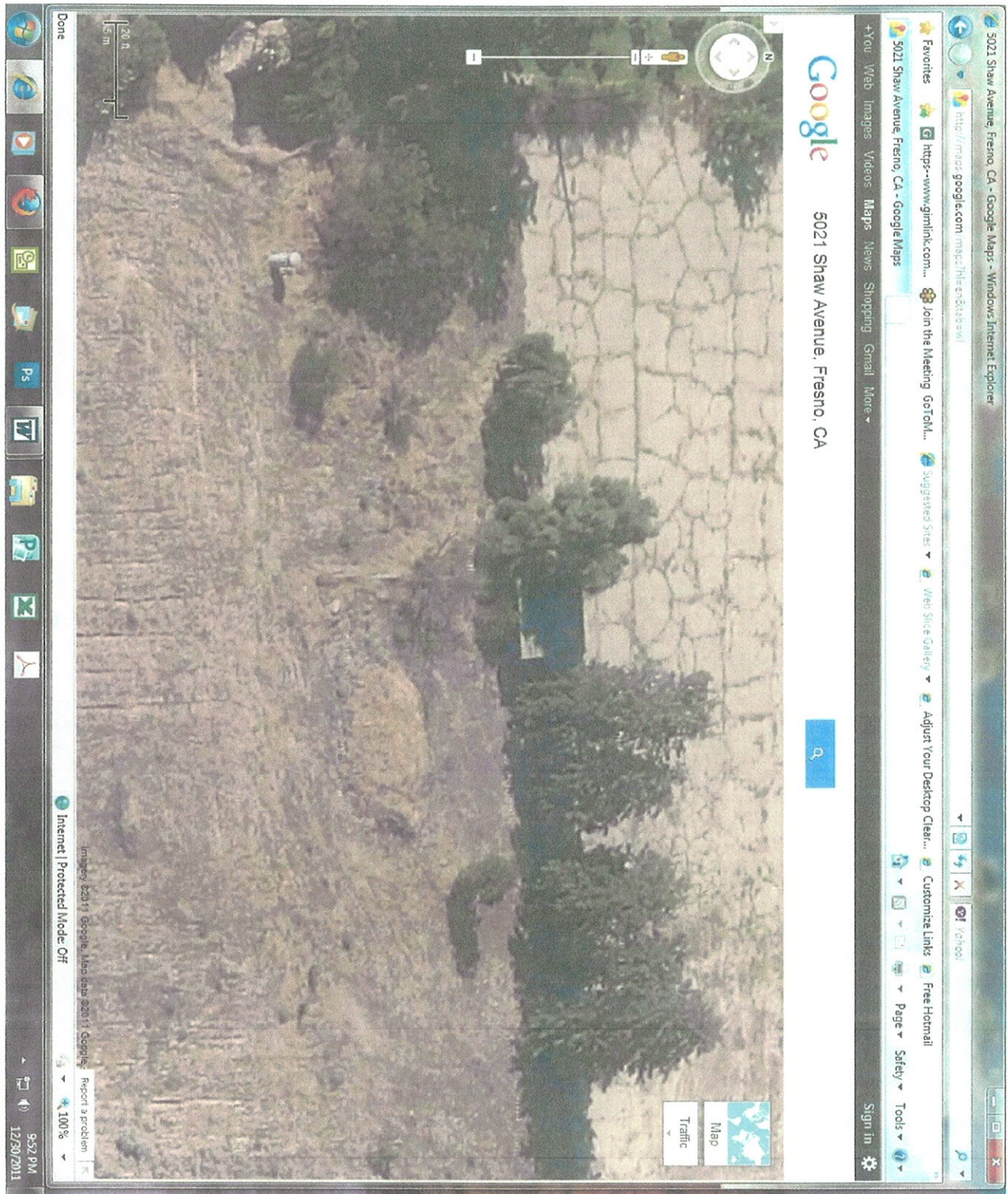
**(protected by multiple levels of historic preservation provisions)**





**G, 1b. Old Souvenir Shop Building seen February 2011 looking north towards Shaw Avenue  
taken by Google**

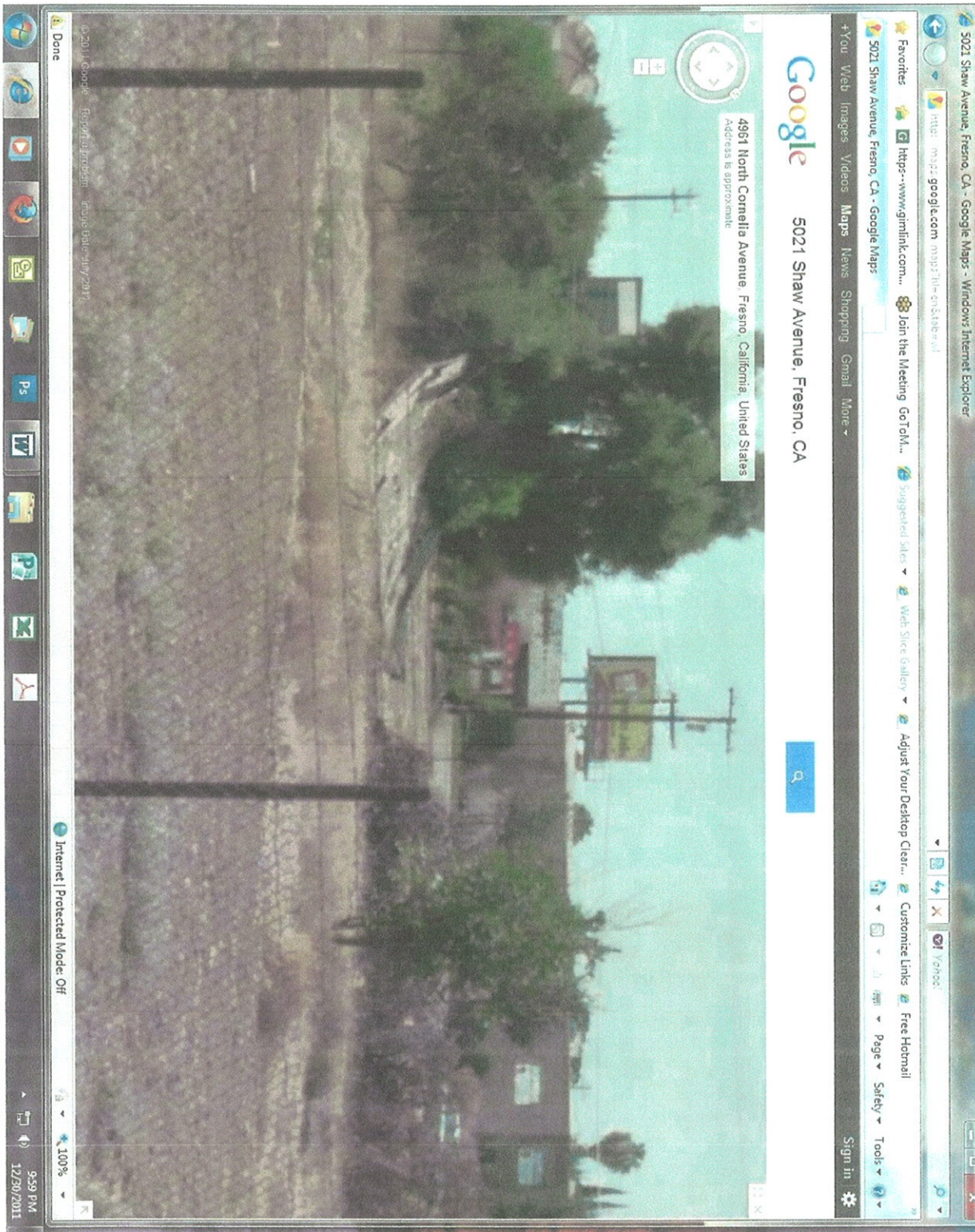
**(protected by multiple levels of historic preservation provisions)**





**G, 1c. Old Souvenir Shop Building seen July 2011 looking south from Shaw Avenue taken by Google depicting destruction of Old Souvenir Shop Building.**

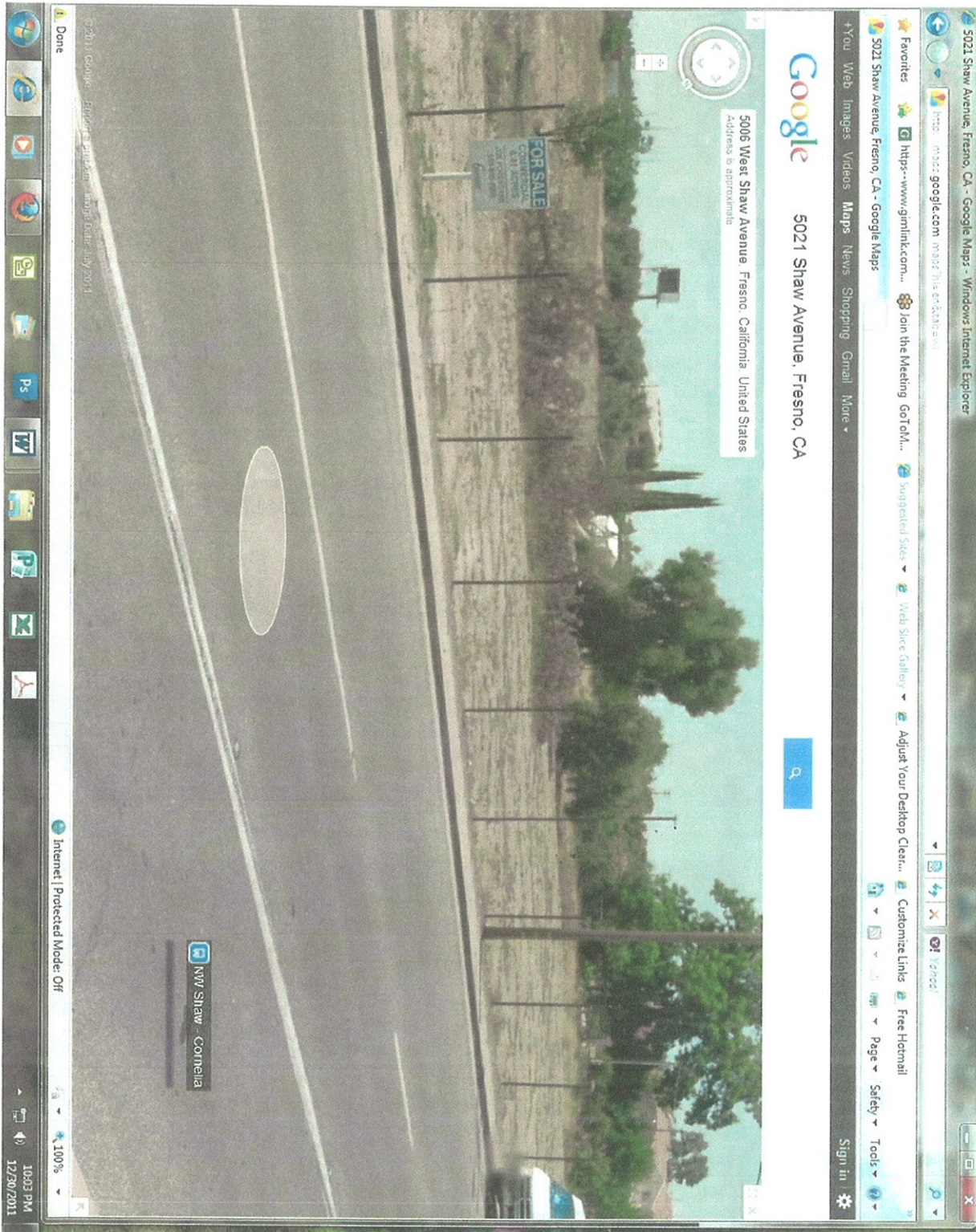
**(protected by multiple levels of historic preservation provisions)**





**G, 1d. Old Souvenir Shop Building seen July 2011 looking south from Shaw Avenue  
taken by Google depicting destruction of Old Souvenir Shop Building.**

**(protected by multiple levels of historic preservation provisions)**



**H. Letter by Mary Forestiere requesting delisting 4.41-acre parcel from Historic property designation.**

1. Historic Preservation Commission Staff report, recommending denial of the request by Mary Forestiere citing FMC 12-1614:

**"SEC. 12-1614 AMMENDMENT OR RECISSION OF DESIGNATION.**

The Historic Preservation Commission may amend or rescind any designation of an Historic Resource, an Historic District, a contributor to an Historic District or a non-contributor to an Historic District in the same manner and procedure as was followed in the original designation. This action shall result from new information, the discovery of earlier misinformation or change of original circumstances, conditions or factors which justified the designation of the Resource or District. (Added Ord. 99-50, §§ 1,2, 9-9-99)"

**I. How did this happen?**

2. Not cited by staff, FMC 12-1628:

**"SEC. 12-1628. CIVIL AND CRIMINAL PENALTIES.**

It shall be unlawful for any person to permit or maintain violations of any of the provisions of this article by undertaking the alteration, grading, removal, demolition or partial demolition of an Historic Resource or a building, structure, object or site within a Historic District without first obtaining the written approval of the Specialist, Commission or Council as provided in this article, or to defy any order or decision rendered by the Specialist, Commission or Council. Any violations of this article may be enforced as provided by Code, except in the case of administration citations issued pursuant to this Code, wherein the administrative penalty imposed shall be up to \$10,000 for each violation. As part of any enforcement proceeding, violators may be required to reasonably restore the building, structure, object or site to its appearance or condition prior to the violation, under the guidance of the Development Department. (Added Ord. 99-50, §§ 1,2,9-9-99)

3. What does this mean?

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RICHARD P. BARKHORDARIAN  
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IRVINE • LOS ANGELES • SACRAMENTO  
SAN BERNARDINO • SAN DIEGO

June 28, 2011

Mary L. Forestiere  
2346 East Desert Island  
Fresno CA 93730

Dear Ms. Forestiere:

Re: Ricardo R. Forestiere  
Historic Monument  
Our File No.: 2958044

This law firm has been consulted by Mr. Ricardo R. Forestiere. He relates that the property which you own and are attempting to sell, which is the 4.41 acres located at the north west corner of West Shaw and North Cornelia in Fresno, CA 93722, is part of a 10-acre property which, before the property was subdivided, was declared a historical monument since at least 1979. Included with this letter please find a copy of the dedication by R. Ricardo Forestiere and Joseph C. Forestiere to the County of Fresno dated October 12, 1977, and a copy of the plaque designating the property as California Registered Historical Landmark No. 916.

Mr. Forestiere further relates that he has been advised that there is a plan to bulldoze and fill in the original lakeside exit, which is part of the historical monument. He spoke with Karana Hattersley-Drayton, Fresno City Historic Preservation Manager of the Fresno Planning and Development Department (Tel: 559.621.8520) and Jay Correia of the California Office of Historic Preservation (Tel: 916.445.7008), both of whom informed him that any disturbance of the historic features would have serious legal consequences. Therefore, Mr. Forestiere demands that you immediately cease and desist from any such disturbance of the historic features of California Registered Historical Landmark #916.

Having received this notice, both you and your real estate agent are now required by California law to disclose to any buyer of the property the potential legal consequences of your disturbance of the Historical Landmark.

Be advised that Mr. Forestiere has been made aware of his legal rights and remedies against you in this regard, and your legal responsibilities to him.

You are authorized and requested to send your response to this letter, in writing, directly to Mr. Forestiere at the address for him shown below.

Thank you.

Very truly yours,

PARKER STANBURY LLP

By

Joseph V. Ramos

cc:

Ricardo R. Forestiere  
5021 West Shaw Avenue  
Fresno CA 93722 5026

cc:

Guarantee Real Estate Services  
5380 North Fresno Street  
Fresno CA 93710



Jun 23 11 05:42p

Mobile Products Inc

659-277-0318

p.2

AUTHORIZATION FROM PROPERTY OWNER OF PROPOSED LANDMARK SITE TO THE DEPARTMENT OF  
PARKS AND RECREATION FOR NUMBER, REGISTRATION, AND ERECTION OF A HISTORICAL LAND-  
MARK.

WE, the undersigned owners of record of the property located  
at 5021 West Shaw Avenue in Fresno, California in the County  
of Fresno, more specifically described as:

*Entire* The Northeast Quarter of the Northeast Quarter  
*10* of the Northeast Quarter in Section 15, Town-  
*Acres* ship 13 South, Range 19 East, Mount Diablo  
Base and Meridian;

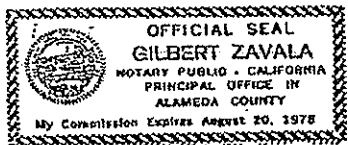
And also commonly known as the FORESTIERE UNDERGROUND GARDENS,  
do hereby grant to the Department of Parks and Recreation of  
the State of California the necessary authorization for the  
assignment of number, registration and erection of an  
Historical Landmark, as required above.

It is also the intent of the undersigned owners of the above  
property to preserve and maintain the premises primarily as  
a Memorial Estate; and to perpetuate it as a tribute to the  
spirit of individualism and vision that distinguished so  
many of our early forebearers.

Granted in Fresno, California, in the County of Fresno, on  
this 12 day of October 1977.

*Ricardo Forestiere*  
R. Ricardo Forestiere

*Joseph C. Forestiere*  
Joseph C. Forestiere



*Gilbert Zavala*  
October 12, 1977



*Lorraine Hawks Forestiere*



